



President Herman Van Rompuy
President of the European Council

Brussels, 29 September 2010
Our ref: B993

Dear Mr Van Rompuy,

Subject: Asia Europe Meeting 2010 must ensure freedom of expression for all

Forty-eight Asian and European leaders will gather in Brussels on 4 and 5 October for the 8th Asia Europe Meeting (ASEM) to reflect on the increasing inter-linkages between the two continents and to give expression to the common views of Asia and Europe. Discussions on the recent economic crisis, sustainable development and security issues represent global challenges of common concern, which require coordinated resolve and responses. In light of both regions placing human development at the centre of their policies, human rights must be at the heart of ASEM discussions.

With ASEM representing 58 per cent of the global population, it is of utmost importance that the voices of people living in these two regions are heard. Respect for the right to freedom of expression and opinion is paramount to building democratic societies, thus allowing citizens to hold opinions without interference and to express these views freely in practice - both in Asia and in Europe.

The rights to freedom of expression, assembly and association are key in creating conducive conditions for elections in **Myanmar**, which - as repeatedly emphasised by ASEAN - must be held in a "free, fair and inclusive manner". Ahead of parliamentary elections on 7 November, Asian and European leaders must urge the government of Myanmar to protect the rights to freedom of expression, peaceful assembly, and association throughout the elections period and beyond.

The Electoral Laws enacted in March 2010 prevented political prisoners - including Daw Aung San Suu Kyi and more than 2,200 others who continue to languish behind bars - from participating in the elections. The same laws also prohibit them from membership in any political party, and include a provision against encouraging persons not to vote in the elections. This provision is a blatant violation of freedom of expression, as it curbs the right of the political opposition, which includes parties and individual activists that have chosen to boycott the polls, to advise the electorate to likewise reject the vote, or to campaign on that message. The authorities have warned that a harsh 1996 "Law Protecting the Peaceful and Systematic Transfer of State Responsibility" is still in force. This law provides for a five to 20 year prison sentence for anyone who undermines "the stability of the state, community peace and tranquillity and prevalence of law and order"; and allows for an excessively broad interpretation of what constitutes a threat to "stability". For decades, the authorities have routinely used vaguely worded laws to arbitrarily criminalize peaceful political dissent. New censorship rules introduced in June this year also serve to undermine any remaining scope for independent journalism during the election process.

Members of ASEM must be prepared to speak out forcefully when individuals are harassed and detained for peacefully expressing their political views in the run-up to elections. We urge Asian and European leaders to call upon the Myanmar government to take immediate steps to improve its human rights record as the polls approach, including by immediately and unconditionally releasing all political prisoners. The three freedoms of expression, peaceful assembly, and association must be safeguarded for all, whether people choose to participate in the elections or not.

Freedom of expression is essential also for the ability of **human rights defenders, trade union leaders, journalists, lawyers** and others to speak out on human rights issues. Amnesty International is concerned about ongoing intimidation and attacks against human rights defenders for carrying out their peaceful work, including in Cambodia, Indonesia, China and Viet Nam. Authorities increasingly use the legal system and courts to stifle critical voices, with individuals being charged with incitement, disinformation, defamation or other spurious offences, thus stifling the freedom of expression of anyone critical of government policies or speaking out on human rights violations.

In **Cambodia**, at least 45,000 garment factory workers lost their jobs during 2009 as a result of the global economic crisis, and a number of companies reduced workers' salaries. A nationwide strike of garment factory workers organised in September 2010 called for adequate minimum wages. Arrest warrants for several union leaders and activists were authorized on charges of incitement, despite the strike being legal under domestic legislation. Human rights defenders, including those working on forced evictions, face severe obstacles in their work, and an increasing number of informal community representatives are prosecuted and imprisoned to both silence them and warn others. Requests for permission to hold demonstrations are routinely denied, and security forces often use excessive force to break up peaceful protests.

Human rights defenders in **Indonesia**, one of the EU's designated new strategic partners, continue to face attacks and intimidation, often being silenced through criminal defamation suits. Violations of the right to freedom of expression are particularly severe in areas where there has been a history of pro-independence movements. Scores of people are currently detained or serving long term imprisonment for taking part in peaceful pro-independence activities in Maluku and Papua. Whilst Amnesty International takes no position on the political status of any province of Indonesia or other countries, including calls for independence, the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions. All prisoners of conscience, who have been convicted solely for the peaceful exercise of their right to freedom of expression, must be unconditionally and immediately released. Amnesty International is further concerned about discrimination and violence against religious minorities in Indonesia, including the Ahmadiyya.

In **Viet Nam**, a crackdown on freedom of expression continues. Independent trade union members, human rights lawyers and bloggers are imprisoned after conviction under provisions of the national security section of the Penal Code, which criminalizes peaceful dissent. At least 30 prisoners of conscience are currently detained for peacefully criticising government policies and calling for democracy and human rights; at least eight are held incommunicado in pre-trial detention.

If ASEM member states are sincere about granting a voice to its people, they must ensure that human rights defenders, trade union leaders and others are not subject to harassment, intimidation or threat of arrest for exercising their right to freedom of expression, association and peaceful assembly. Amnesty International urges ASEM to ensure that all human rights are respected and protected by law, in accordance with international human rights instruments, and are fully guaranteed in practice.

In several **European Union countries**, there have been growing calls for greater restrictions on the public expression of Muslim beliefs and cultural practices. These calls have focused primarily on the construction and appearance of places of worship, and the wearing of headscarves and face-veils, and have resulted in violations of the freedom of expression and religion of Muslims in Europe. No EU

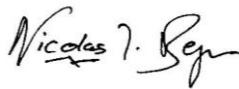
country has as yet followed the example of Switzerland and banned the construction of minarets. At the local level, however, attempts to construct mosques or acquire prayer spaces often face difficulties owing to the objections of local residents. These obstacles are typically overcome, however, either through the courts or thanks to the support of local authorities.

A number of EU countries are in the process of banning the complete covering of the face in public with the clear intention of preventing the wearing of full face veils, such as the burqa or the niqab, a practice which is observed only by a small number of Muslim women. Legislation to this effect has been adopted in France and is awaiting approval by the Belgian Senate. A motion calling for the adoption of a similar ban in Spain was narrowly defeated in the Spanish Senate in July this year. Such bans violate the rights to freedom of religion and expression of women who freely choose to wear full face veils. Amnesty International is also concerned that the discourse of political parties advocating for such bans has often involved the expression of Islamophobic views that risk exacerbating and legitimising discrimination against Muslims in Europe. States do have an obligation to protect women against undue pressure in their homes or communities, and must combat gender stereotypes that result in the discrimination of women. This will require a range of social and public policy, as well as education measures. The obligation to combat discrimination cannot be fulfilled by imposing a measure that is itself discriminatory. Amnesty International urges that no restrictions incompatible with international law are placed on the rights to freedom of expression and religion.

Since the last ASEM meeting in Beijing 2008, important institutional developments have taken place both in Asia and in Europe. The entry into force of the ASEAN Charter and the establishment of a human rights mechanism, as well as the entry into force of the Lisbon Treaty for the EU, should provide new impetus and resolve to address human rights concerns. The ASEM meeting presents a valuable opportunity for intercontinental dialogue, including on how to increase the respect for human rights. We urge Asian and European leaders to use this opportunity to demonstrate that the regions are emerging as credible global actors and ready to take responsibility to stand up for human rights in both regions.

Wishing you fruitful discussions, we remain at your disposal for any further information.

Yours sincerely,



Dr Nicolas J. Beger
Director

Cc:

José Manuel Barroso, President of the European Commission
Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission
Permanent Representations of European Union Member States in Brussels
Permanent Representations of Asian States participating in ASEM in Brussels
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